

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
CLARKSBURG**

AJAI SANDHIR,

Plaintiff,

v.

**Case No.: 1:17-CV-102
(JUDGE KEELEY)**

**LOUIS LITTLE,
Individually and Collectively;
SANJAY BHARTI, MD, PLLC;
SANJAY BHARTI,
Individually and Collectively;
JEREMY LAREW,
Individually and Collectively; and
GINGER DERTH,
Individually and Collectively,**

Defendants.

**ORDER GRANTING DEFENDANTS' SECOND MOTION TO STRIKE PLAINTIFF'S
EXPERT DISCLOSURE AND PLAINTIFF'S SUPPLEMENTAL EXPERT
DISCLOSURES**

This matter is before the undersigned pursuant to a referral order entered by Honorable District Judge Irene Keeley on June 12, 2017 (ECF No. 7). The *pro se* Plaintiff, Ajai Sandhir, filed expert disclosures on July 3, 2018. (ECF No. 104). The plaintiff's disclosures were insufficient and did not conform to the requirements of Fed. R. Civ. P. 26(a)(2)(A) and (B). Accordingly, the Defendants' filed a Motion to Strike Plaintiff's Expert Disclosures, or in the Alternative, to Order Plaintiff to Supplement His Expert Disclosures, and for an Extension of Time for Defendants to Serve Their Expert Disclosures. (ECF NO. 105). As a result, on August 29, 2018, the undersigned entered an order denying the Defendants' motion in part and granting in part as to the alternative relief requested. (ECF No. 107).

Pursuant to the order, the undersigned directed the Plaintiff to supplement his expert disclosures specifically to conform to the requirements set forth in Fed. R. Civ. P. 26(a)(2)(A)

and (B)(i-vi) no later than September 12, 2018. The undersigned further extended the deadline for the Defendants to file their expert disclosures to September 26, 2018. The Court provided the *pro se* Plaintiff with the requirements of Fed. R. Civ. P. 26(a)(2)(A) and (B)(i-vi) directly in the order, listing what must be submitted as part of his expert disclosures to be in compliance with Fed. R. Civ. P. 26(a)(2)(A) and (B)(i-vi). The Plaintiff filed his supplemental expert disclosures on September 11, 2018. (ECF No. 111). Thereafter, the Defendants filed a Second Motion to Strike Plaintiff's Expert Disclosure and Plaintiff's Supplemental Expert Disclosures on September 19, 2018. (ECF No. 113).

The undersigned **FINDS** the Plaintiff's supplemental expert disclosures remain insufficient and have failed to comply with the requirements set forth in Fed. R. Civ. P. 26(a)(2)(A) and (B)(i-vi). Specifically, the Plaintiff's supplemental expert disclosures fail to comply with Fed R. Civ. P. 26(a)(2)(B)(i-iii), which provides as follows: "The report **must contain**:

- (i) a complete statement of all opinions the witness will express and the basis and reasons for them;
- (ii) the facts or data considered by the witness in forming them; and
- (iii) any exhibits that will be used to summarize or support them.

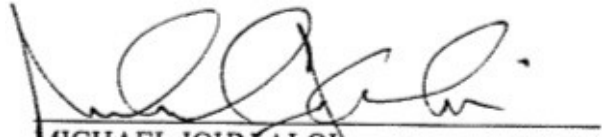
Fed. R. Civ. P. 26(a)(2)(B)(i-iii)(emphasis added). The Plaintiff's supplemental expert disclosures do not contain any opinion his expert witnesses will express nor does it contain the basis and reasons for them. The Plaintiff's supplemental expert disclosures further fail to include the facts or data considered by the expert witnesses in forming their opinions as well as the exhibits that will be used to summarize or support them.

Accordingly, the Defendants' Second Motion to Strike Plaintiff's Expert Disclosure and Plaintiff's Supplemental Expert Disclosures (ECF No. 113) is hereby **GRANTED**.

It is so **ORDERED**.

The Clerk is directed to send a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested, to his last known address as shown on the docket, and to counsel of record by electronic means.

DATED: September 26, 2018



MICHAEL JOHN ALOIS
UNITED STATES MAGISTRATE JUDGE